

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division

Dan-Bunkering (America) Inc.,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.: 20-cv-3341-S-BT
vs.	§	
	§	IN ADMIRALTY, Rule 9(h)
Ichor Oil, LLC, et al.,	§	
	§	
Defendant and Garnishees.	§	

REQUEST FOR CLERK'S ENTRY OF DEFAULT

Plaintiff Dan-Bunkering (America) Inc. ("Dan-Bunkering") hereby requests, pursuant to Fed. R. Civ. P. 55(a) and Local Rule 55.3, default be entered against Garnishee B & G Futures Inc. ("Garnishee B&G").

Fed. R. Civ. P 55(a) states as follows:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

Dan-Bunkering filed its Verified Complaint with Request for Issue of Process of Maritime Attachment and Garnishment on November 8, 2020 [ECF 1]. On November 10, 2020, this Court issued an Order authorizing the Clerk to issue Process of Maritime Attachment and Garnishment ("Writ" or "Writs") against assets of Defendant Ichor Oil, LLC ("Ichor") in the possession of garnishees that is being held for or on behalf of Ichor. [ECF 9] That Order provided for the issuance of further Writs, if requested.

On December 4, 2020, Dan-Bunkering filed a request for the issuance of a Writ to Garnishee B&G against assets of Ichor in B&G's possession [ECF 19]. The Writ was issued on December 7, 2020 [ECF 20], and was served on the Texas Secretary of State for Garnishee B&G on December 9, 2020 [ECF 21].

Garnishee B&G's response to the Writ was due by December 30, 2020. The case docket confirms that no response, or other pleading, has been filed by Garnishee B&G in response to the Writ [ECF 20].

The conditions of Fed. R. Civ. P. 55(a) having been met, default should now be entered against Garnishee B & G Futures, Inc.

WHEREFORE, Dan-Bunkering requests the Clerk enter default against Garnishee B & G Futures, Inc. and submits a proposed default herewith.

Dated: January 5, 2021.

/s/ J. Stephen Simms
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Counsel for Dan-Bunkering (America) Inc.

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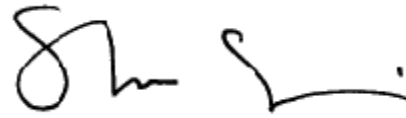
**AFFIDAVIT OF J. STEPHEN SIMMS IN SUPPORT OF
PLAINTIFF'S REQUEST FOR CLERK'S ENTRY OF DEFAULT**

I, J. Stephen Simms, certify as follows under penalties of perjury:

1. I am a principal with the firm Simms Showers LLP and have been admitted as *pro hac vice* counsel for Plaintiff Dan-Bunkering (America) Inc. I am over the age of eighteen and competent to make this affidavit, which I do of my own personal knowledge.
2. On November 10, 2020, this Court issued an Order authorizing the Clerk to issue Process of Maritime Attachment and Garnishment ("Writ") against assets of Defendant Ichor Oil, LLC ("Ichor") in the possession of garnishees that is being held for or on behalf of Ichor. That Order provided for the issuance of further Writs, if requested [ECF 9].
3. On December 7, 2020, this Court issued a Writ to Garnishee B & G Futures, Inc. ("Garnishee B&G") against assets of Ichor in Garnishee B&G's possession [ECF 20].
4. On December 9, 2020, the Writ, along with a copy of the Verified Complaint and the Orders for the issuance of, and service of, the Writ, was served on the Texas Secretary of State for Garnishee B&G [ECF 21].
5. The Writ requires Garnishee B&G to file a response within twenty-one days from the date of service of the Writ.

6. Garnishee B&G's response was due by December 30, 2020.
7. The case docket confirms that no response, or other pleading, has been filed by Garnishee B&G in response to the Writ.
8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 5, 2021.



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CIVIL ACTION NO.: 20-cv-3341-S-BT

IN ADMIRALTY, Rule 9(h)

CLERK'S ENTRY OF DEFAULT

It appearing from the records that the Process of Maritime Attachment and Garnishment [ECF 20] was properly served upon the Texas Secretary of State for Garnishee B & G Futures, Inc., on December 9, 2020, and that the time for Garnishee to plead or otherwise defend as required by Fed. R. Civ. P. 55(a), upon the request of the Plaintiff, and pursuant to Fed. R. Civ. P. 55(a),

IT IS HEREBY ORDERED, that default for want of answer or other defense to the Process of Maritime Attachment and Garnishment [ECF 20] is hereby entered against Garnishee B & G Futures, Inc., this _6th__ day of January, 2021.

Karen Mitchell
Clerk of the Court

By: __s/O. Hernandez_____
Deputy Clerk